

NOTICE OF INDEPENDENT REVIEW DECISION

July 31, 2003

MDR Tracking #: M2-02-0856-01
IRO Certificate #:IRO4326

The ____ has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The Texas Workers' Compensation Commission (TWCC) has assigned the above referenced case to ____ for independent review in accordance with TWCC Rule §133.308 which allows for medical dispute resolution by an IRO.

____ has performed an independent review of the proposed care to determine if the adverse determination was appropriate. In performing this review, relevant medical records, any documents utilized by the parties referenced above in making the adverse determination, and any documentation and written information submitted in support of the appeal was reviewed.

The independent review was performed by a ____ physician reviewer who is board certified in pain management and anesthesiology which is the same specialty as the treating physician. The ____ physician reviewer has signed a certification statement stating that no known conflicts of interest exist between him or her and any of the treating physicians or providers or any of the physicians or providers who reviewed the case for a determination prior to the referral to ____ for independent review. In addition, the reviewer has certified that the review was performed without bias for or against any party to this case.

Clinical History

This patient sustained an injury to her lumbar spine on ____ when she was bringing a tub of stainless steel points down from a shelf and it pulled her down. She subsequently had an anterior lumbar interbody fusion at L5-S1 but continued to have pain. Lumbar discography caused concordant pain at L4-5 as well as architectural changes noted. The patient has had good relief with lumbar epidural steroid injections but not long lasting.

Requested Service(s)

Intradiscal electrothermal therapy/annuloplasty (IDET)

Decision

It is determined that the intradiscal electrothermal therapy (IDET) is medically necessary to treat this patient's condition.

Rationale/Basis for Decision

Although this patient is status post anterior fusion, she continues to have residual significant back pain. She has had a positive provocative discogram with CT confirmed annular tear. The intradiscal electrothermal therapy/annuloplasty (IDET) is now an accepted treatment for low back pain with confirmed discogenic pain by discography and CT. As stated in the International Spinal Injection Society (ISIS) Treatment Guidelines, the above diagnostic criteria meet ISIS and IDET (ORATEC) standards.

This decision by the IRO is deemed to be a TWCC decision and order.

YOUR RIGHT TO REQUEST A HEARING

Either party to this medical dispute may disagree with all or part of the decision and has a right to request a hearing.

If disputing a spinal surgery prospective decision a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings within **10** (10) days of your receipt of this decision (20 Tex. Admin. Code 142.5 (c))

If disputing other prospective medical necessity (preauthorization) decisions a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings within **20** (twenty) days of your receipt of this decision (28 Tex. Admin Code 148.3).

This Decision is deemed received by you 5 (five) days after it was mailed (28 Tex. Admin Code 102.4(h) or 102.5(d)). A request for hearing should be sent to: Chief Clerk of Proceedings, Texas Workers' Compensation Commission, P.O. Box 40669, Austin, Texas, 78704-0012. **A copy of this decision should be attached to the request.**

The party appealing the decision shall deliver a copy of its written request for a hearing to all other parties involved in the dispute (Commission Rule 133.308 (t)(2)).

Sincerely,

In accordance with Commission Rule 102.4 (h), I hereby verify that a copy of this Independent Review Organization (IRO) Decision was sent to the carrier, the requestor and claimant via facsimile or U.S. Postal Service from the office of the IRO on this 31 st day of May 2003.
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